

Notice of Allowability

Application No.

10/736,456

Applicant(s)

FELDKAMP, JOSEPH RAYMOND

Examiner

Art Unit

Helene Klemanski

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed October 26, 2005 and interview on November 10, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4-29,31,33 and 35-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 111405.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Helene Klemanski
HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1100

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Alan R. Marshall on November 10, 2005.

The application has been amended as follows:

On page 8, line 15 of the specification, the phrase "The additive can also be present at a mole fraction of less than about 0.1." has been inserted between the terms "0.02." and "Adding".

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: This application teaches an ink composition comprising a dye, a solvent for the dye and an additive comprising a sulfonic acid analog of an amino acid, the additive having a polarity greater than the polarity of the solvent, the additive being present in an amount that inhibits the dye from coalescing in the solvent thereby increasing the solubility of the dye in the solvent. The closest prior art or record is U.S. Patent No. 5,507,865, issued to Yoshida et al., JP 2001-139854, JP 08-302253 and U.S. Patent No. 5,106,416, issued to Moffatt et al. Yoshida et al., JP 2001-139854 and JP 08-302253 each teach an ink composition comprising a dye, a solvent for the dye and an amino

Art Unit: 1755

acid but fail to teach or fairly suggest the use of a sulfonic acid analog of an amino acid as claimed by applicants. Moffatt et al. teach an ink composition comprising a dye, a solvent for the dye and an amino acid such as sulfobetaine (i.e. sulfonic acid analog of an amino acid) wherein the amino acid is present in an amount above the critical micelle concentration so that micelles form to control the color bleed but fail to teach or fairly suggest that the amino acid is present in an amount that prevents or inhibits the dye from coalescing in the solvent as claimed by applicants. Newly cited references EP 0659852 and U.S. Patent Application Publication 2004/0261658 both teach an ink composition comprising a dye, a solvent for the dye and an amino acid but fail to teach or fairly suggest the use of a sulfonic acid analog of an amino acid as claimed by applicants. Accordingly, this application is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene Klemanski
Primary Examiner
Art Unit 1755



HK
November 14, 2005